

STATE OF TENNESSEE

Circuit Court Rutherford County, Tennessee

JOHN D. RUDD,  
Plaintiff(s)

Vs.

Case #

56687

CHUBB NATIONAL INSURANCE COMPANY,  
Defendant(s)

☒ Original  
☐ Alias  
☐ Pluries

☐ Local Sheriff  
☐ Out of Country  
☐ Sec. Of State  
☒ Comm Of Ins.  
☐ Attorney  
☐ Certified Mail

TO THE ABOVE NAMED DEFENDANT; Chubb National Insurance Company

You are hereby summoned to appear and defend a Civil Action filed against you in the Chancery Court, Rutherford County, Tennessee; and your defense must be made within thirty (30) days from the date this summons is served upon you, exclusive of the day of service. You are further directed to file your defense with the Clerk of this Court and send a copy to the Plaintiff's Attorney, Edward A. Hadley whose address is North, Pursell, Ramos & Jameson, PLC, 414 Union Street, Bank of America Plaza, Suite 1850, Nashville, Tennessee 37219. In case of your failure to defend this action by the above date, judgment by default can be rendered against you for the relief demanded in the complaint.

TO THE SHERIFF: Execute this summons and make your return herein as provided by law.

WITNESS, Eloise Gaither, Clerk of the Circuit Court at Office in Murfreesboro, Tennessee, the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Issued: July 20, 2008, 2008.

Eloise Gaither, CLERK

By: B. E. W. D.C.

RECEIVED THIS SUMMONS FOR SERVICE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

Deputy Sheriff

RETURN ON SERVICE OF SUMMONS

I hereby certify and return that on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, I served this summons together with a copy of the complaint herein as follows:

SHERIFF - DEPUTY SHERIFF

IN THE CIRCUIT COURT FOR RUTHERFORD COUNTY, TENNESSEE

JOHN D. RUDD,

Plaintiff,

vs.

CHUBB NATIONAL  
INSURANCE COMPANY

Defendant.

Case No. 56687

FILED

FEB 24 2008

COMPLAINT

9:00 O'CLOCK  
ELOISE GAITHER CLERK

John D. Rudd comes now and for his cause of action for declaratory judgment and

damages pursuant to Tenn. Code Ann. § 29-14-101, et. seq. states as follows:

- 1 John D. Rudd is a citizen and resident of Davidson County, Tennessee
- 2 Defendant Chubb National Insurance Company is a foreign corporation organized under the laws of the State of Indiana. Chubb National Insurance Company is doing business in the State of Tennessee although it is not registered to do business in the State of Tennessee with the Tennessee Secretary of State. Chubb National Insurance Company may be served through the Commissioner of Insurance for the State of Tennessee
- 3 This action arises out of a dispute regarding an insurance policy relating to real property located in Rutherford County, Tennessee
- 4 Jurisdiction and venue in this matter lie in Rutherford County, Tennessee.

### FACIS

5 John D. Rudd and his wife Deborah A. Gonzalez were owners of a residence located at 180 Blair Boulevard, LaVergne, Rutherford County, Tennessee.

6 The home was insured against fire loss by Chubb National Insurance Company ("Chubb")

7 Chubb National Insurance Company issued an insurance policy covering the residence. A copy of the insurance policy is attached as Exhibit A.

8 On August 14, 2005, the residence was completely destroyed by an explosion and fire. The policy of insurance provided a "verified replacement cost" indemnity of Two Million Four Hundred Fifty-One Thousand (\$2,451,000.00) Dollars. Chubb has paid indemnity in the amount of the verified replacement for the loss.

9 The policy also provided "extended replacement cost" coverage. Under the "extended replacement cost" coverage provision, Chubb agreed to pay the reconstruction cost for the house even if this amount is greater than the amount of coverage shown on the policy. Extended replacement cost indemnity was subject to the following limitation:

"if you do not repair, replace, or rebuild your house or other permanent structure at the same location, the payment basis will be verified replacement cost."

10 Dr. Rudd and Dr. Gonzalez wish to reconstruct their residence at a Nashville area location within fifty (50) miles of the street address of the house that was destroyed by fire. Dr. Rudd and Dr. Gonzalez do not wish to reconstruct the house at the same street address where the prior house was destroyed by explosion and fire.

11 The cost of reconstructing the house at another street address at a Nashville area location within a fifty (50) mile radius of the original street address is not materially different than the cost of reconstructing the house at the original street address.

12 Chubb has refused to fulfill its obligations under the "extended replacement cost" provisions of the policy. Chubb has interpreted the policy language to require reconstruction of the house at the same street address as the house destroyed by fire.

13 A dispute and controversy has arisen as to whether the Extended Replacement Cost provision of the insurance policy obligates Chubb to pay the cost of reconstructing the house at a street address within the Metropolitan Nashville area other than the original street address of the residence destroyed by explosion and fire.

14 This action is brought pursuant to the provisions of Tenn. Code Ann. § 29-14-101 et seq. seeking a declaratory judgment of the rights and obligations of the parties to the insurance contract.

15 Dr. Rudd also seeks recovery of living expenses incurred while displaced by the fire loss. Original documentation of such expenses was submitted to Chubb. Chubb denies receipt of such documentation and has failed to pay the claims as required by the policy.

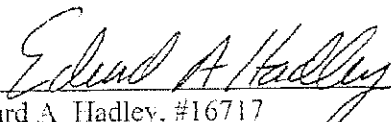
WHEREFORE, the Plaintiff respectfully requests that:

1 Process be issued and served upon the Defendant, requiring it to answer the Complaint;

2 The Court declare the rights and obligations of the parties pursuant to the insurance contract attached as Exhibit A;

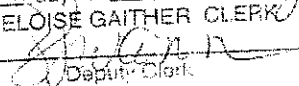
3 The Plaintiff be awarded all damages due under the insurance policy;  
4 Plaintiff be awarded attorney's fees incurred in prosecuting this action;  
5 That discretionary and Court costs be taxed to the Defendant;  
6 That the Plaintiffs be granted any other relief that this Court deems proper  
under either law or equity

Respectfully submitted.

  
Edward A. Hadley, #16717  
NORTH, PURSELL, RAMOS & JAMESON, PLC  
414 Union Street  
Bank of America Plaza, Suite 1850  
Nashville, Tennessee 37219-1783  
(615) 255-2555  
Attorney for Plaintiff John D. Rudd

I am surety for cost in this matter.

  
Edward A. Hadley

Tennessee.      Runners      11/11/08  
Circuit Court Clerk of the said  
State hereby certifies  
that the foregoing is a correct copy of the  
filed in the foregoing case in the  
Court of Murfreesboro, Tennessee.  
day of February, 2008  
ELOISE GAITHER CLERK  
  
Deputy Clerk